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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 MICHAEL SHANE CATES,

8 Petitioner,

9 v.

10 JEFFREY UTTECHT,

11 Respondent.

CASE NO. C18-157-RAJ-BAT

ORDER OF DISMISSAL

12 The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and
13 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any
14 objections or responses to that, and the remaining record, finds and **ORDERS** as follows:

- 15 (1) The Court **ADOPTS** the Report and Recommendation;
- 16 (2) Petitioner's federal habeas petition (Dkt. 11) is **DISMISSED** with prejudice
17 pursuant to 28 U.S.C. § 2244(d)(1) and Habeas Rule 4;
- 18 (3) Petitioner is **DENIED** issuance of a certificate of appealability;
- 19 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
20 Tsuchida.

21 DATED this 30th day of April, 2018.

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23 The Honorable Richard A. Jones
United States District Judge